

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA)
)
)
 V.) **CASE NO: 3:05-cr-154-A**
)
EDWARD JEROME PATTEN)

UNOPPOSED MOTION TO MODIFY CONDITIONS OF RELEASE

COMES NOW the Defendant, Edward Jerome Patten, by and through undersigned counsel, Donnie W. Bethel, and moves the Court to modify the conditions of his pretrial release.

1. On August 8, 2005, the Court ordered Defendant's pretrial release from custody.
2. On October 7, 2005, Defendant was arrested and returned to custody for violating the terms of his pretrial release. Defendant has been incarcerated since that time.
3. On November 2, 2005, Defendant entered a guilty plea in this case, pursuant to a plea agreement between Defendant and the United States. That plea agreement calls for Defendant to serve a sentence of three months imprisonment. Also on that date, the Court ordered Defendant's release from pretrial custody, subject to the following modification of its original order: Defendant would be placed on home confinement with electronic monitoring.
4. Undersigned counsel and Probation Officer Kevin Poole have worked to secure a place where Defendant could reside and in which the electronic monitoring equipment could be installed. Thus far they have not succeeded.
5. If released, Defendant would be able to live in the home of his fiancee's mother in Montgomery, but she is unwilling to remove the special features from her phone due to past harassing phone calls.

6. Assistant United States Attorney Tommie Hardwick does not oppose this motion.

WHEREFORE, because Defendant has already served more than the three months agreed upon in his plea agreement, Defendant respectfully requests that this Court rescind its November 2, 2005, modification of its release order which imposed electronic monitoring, and order Defendant's release under the same conditions imposed by the Court in its August 8, 2005, order.

Dated this 11th day of January, 2006.

Respectfully submitted,

s/ Donnie W. Bethel
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CERTIFICATE OF SERVICE

I hereby certify that on January 11th, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Tommie Brown Hardwick
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,

s/ Donnie W. Bethel
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